



12-18
Docket No. CRD-884

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Robert E. Fischell et al.
Serial No. : 09/609,163
Filed : June 30, 2000
Title : STENT WITH IMPROVED FLEXIBLE CONNECTING LINK

Art Unit : 3731
Examiner : Vy Bui

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Paul A. Coletti

(Name of applicant, assignee, or Registered Representative)

(Signature)

November 28, 2001

(Date of Signature)

Honorable Commissioner of Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION DATED AUGUST 1, 2001

Dear Sir:

Reconsideration of the rejection dated August 1, 2001 is earnestly solicited.

Claims 50-54 were rejected in the most recent Office Action using the obviousness statute, 35 USC § 103, in various ways. First, the Examiner rejected claims 50 and 53-54 using solely the Hess reference, WO 98/40035. Second, the Examiner used the Hess reference in view of Richter, U.S. Patent 5, 807,404, to reject claims 51 and 52. Finally, the Examiner used the Richter patent in view of Hess to reject all the claims, 50 through 54. For the reasons stated below, it is respectfully submitted that none of these rejections are proper.

In particular, the Examiner has not found a single reference in which there are "curved segments being connected together in series by three generally circumferentially extending

segments of approximately equal length" with the start point and end point at different circumferential positions. Thus, the Examiner is improperly taking a series of references, *modifying* them, and then using them to form the basis of extending a rejection.

The Examiner might contend that figures 12a through 12d of Hess describe such a configuration. However, this is actually not the case. As can be seen in figures 12a to 12d, in particular figure 12b, the references merely are made in the form of a sign wave, with similar start and end points. In this fashion, there is no connecting strut formed as claimed herein. Thus, it is respectfully submitted that without any motivation to combine the current references to form such a stent, they cannot be used in a rejection as described.

This currently claimed device provides utility over the art. Flexibility is enhanced without sacrificing surface coverage of the lumen or rigidity of the stent.

Accordingly, for all the reasons cited above it is respectfully submitted that claims 50-54 are in fact in condition for allowance. Their early allowance is respectfully requested.

Respectfully submitted,

By: 

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Dated: November 28, 2001